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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,562	03/20/2001	Toshihiko Harada	HIG05 003	9244

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EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,562

Applicant(s)

HARADA, TOSHIHIKO

Examiner

Mike Tomaszewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 20 March 2001.
Claims 1-8 have been examined and are pending.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 15 from Fig.1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

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notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because applicant should avoid the use of legal phraseology such as "means." Correction is required. See MPEP § 608.01(b).

6. The abstract of the disclosure is objected to because applicant exceeded the 150 word-count limit. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) Regarding claim 1, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

In addition, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Moreover, claim 1 is incomprehensible as to how many terminals are present and which specific terminal applicant is referring to throughout the claim. Examiner suggests identifying each distinct terminal separately (e.g., first terminal, second terminal, etc.).

(B) Regarding claim 2, the phrase "other proper places" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "other proper places"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

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Moreover, claim 2 recites the limitation "wherein input and output *terminals*" [emphasis added] in line 1. There is insufficient antecedent basis for this limitation in the claim. Examiner interprets applicant's recitation of each "terminal" in claim 1 to be the same terminal (i.e., there is only one terminal).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ballantyne et al. (5,867,821).

(A) As per claim 1, Ballantyne et al. discloses a system for an information service system at a hospital, nursing home or other institute comprising:

(a) a terminal having a display screen including touch panel type input means disposed as an input and output terminal in patient room or waiting room at hospital (Ballantyne et al.; col. 2, lines 1-27; col. 9, lines 18-20; col.10, lines 25 and 34-37);

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(b) a terminal as input and output means connected to said input and output terminal for handling input information from said terminal and output information to said terminal (Ballantyne et al.; col. 2, lines 9-62); and

(c) a server computer connected to an external information source or the like through a communication network such as the Internet, wherein information such as broadcast and other video and audio data, guide data relating to medical and care jobs, pulse rate and other measurement data, supplies and other data, interview data, meal menu selection data, and drug retrieval data can be exchanged between the terminal and the server computer (Ballantyne et al.; col. 2, lines 25-27; and col. 6, lines 47-49).

(B) Claim 2 repeats the same limitations of claim 1, and is therefore rejected for the same reasons given for that claim.

(C) As per claims 3 and 4, Ballantyne et al. discloses an information service system, (a) wherein a database of impatient medical cards, medical dictionary, pharmaceutical dictionary, electronic money management is built up in the server computer (Ballantyne et al.; col. 2, lines 28-54).

(D) As per claims 5-8, Ballantyne et al. discloses an information service system, (a) wherein issuing means of prepaid card, IC card or other electronic money medium connected to the server computer is installed in the institute to offer

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charged services from the institute (Ballantyne et al., col. 1, lines 37-40; and col. 10, lines 58-59).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches a system and method for scheduling and reporting patient related services including prioritizing services (5,065,315); a medical information system with automatic updating of task list in response to charting interventions on task list window into an associated form (5,077,666); a method and apparatus for accessing a portable personal database as for a hospital environment (5,291,399); an all care management system (5,301,105); a workflow server for medical records imaging and tracking system (5,319,543); a medical system for at-home patients (5,785,650); a method and apparatus for distribution of movies (5,133,079); an integrated system and method for ordering and cumulative results reporting of medical tests (6,018,713).

The cited but not applied prior art also includes non-patent literature articles by Catherine Greenman ("Patients To Get Web At Bedside"; Nov.9, 2000; The New York Times; Late Edition (East Coast); pg.G12.); Business Editors & Health/Medical Writers ("Dynamic Healthcare Technologies Joins With Dell to Offer Co-med Suite of Internet Solutions"; Oct. 5, 2000; Business Wire; pg.1); and Frank Cerne and Mary T. Koska ("PCs Proliferate: Be[d]side Terminals"; Jan. 5, 1988; ABI/INFORM Global; pg.74).

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571) 272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT

NA 5-2-05


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